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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/072,833      | 02/06/2002  | Andrew L. Norrell    | PA1599US            | 3740             |

7590                    10/31/2007

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[REDACTED] EXAMINER

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

DATE MAILED: 10/31/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                                      |                                       |
|--|--------------------------------------|---------------------------------------|
| <b>Notification of Non-Compliant Appeal Brief<br/>(37 CFR 41.37)</b> | <b>Application No.</b><br>10/072,833 | <b>Applicant(s)</b><br>NORRELL ET AL. |
|  | <b>Examiner</b><br>Ramnandan Singh   | <b>Art Unit</b><br>2614               |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 31 July 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):

See attachment.

Ramnandan Singh  
Primary Examiner  
Art Unit: 2614



## DETAILED ACTION

### NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 41.37(c)

1. The appeal brief filed on July 31, 2007 is defective because it did not fully comply with 37 CFR 41.37(c).

The specific items required by 37 CFR § 41.37(c) are:

- (i) Real Party in Interest.
- (ii) Related Appeals and Interferences.
- (iii) Status of Claims.
- (iv) Status of Amendments.
- (v) Summary of claimed subject matter.
- (vi) Grounds of rejection to be reviewed on appeal.
- (vii) *Argument.*
- (viii) *Claims appendix.*
- (ix) Evidence appendix.
- (x) *Related proceedings appendix.*

2. A review of the appeal brief filed on July 31, 2007 indicates that all the above appropriate sections from the appeal brief have not been correctly numbered in the same order. Some of the errors are noted below:

- 1) Delete "VII. CONCLUSION" cited on page 4 and "VIII. CONCLUSION" cited on page 36 of Appeal Brief.
- 2) On page 4 and page 37, "IX. CLAIMS APPENDIX" should be labeled "VIII. CLAIMS APPENDIX".
- 3) On page 4 and page 48, "X. EVIDENCE APPENDIX" should be labeled "IX. EVIDENCE APPENDIX".
- 4) On page 4 and page 49, "XI. RELATED PROCEEDINGS APPENDIX" should be labeled "X. RELATED PROCEEDINGS APPENDIX".

3. A supplemental appeal brief in compliance with 37 CFR § 41.37 is required.

4. To avoid dismissal of the appeal, appellant must ratify the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this

communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh  
Primary Examiner  
Art Unit 2614

A handwritten signature in black ink, appearing to read "R. N. SINGH". It is written in a cursive style with a horizontal line underneath it.